



DMCJA Board of Governors Meeting
Friday, August 12, 2016, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge G. Scott Marinella
Judge Scott Ahlf
Judge Joseph Burrowes
Judge Linda Coburn (via phone)
Judge Karen Donohue
Judge Michael Finkle
Judge Michelle Gehlsen
Judge Michael Lambo
Commissioner Rick Leo
Judge Mary Logan (non-voting)
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Charles Short
Judge Tracy Staab
Judge David Steiner

Guests:

Judge Sean O'Donnell
Judge Franklin Dacca
Ms. Melissa Patrick

AOC Staff:

Ms. Sharon R. Harvey
Ms. J Benway
Ms. Vicky Cullinane
Mr. Dirk Marler

Members Absent:

Judge Douglas Fair
Judge Janet Garrow (non-voting)
Judge Judy Jasprica (non-voting)

CALL TO ORDER

Judge G. Scott Marinella, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:33 p.m. Judge Marinella asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Minutes for June 5, 2016.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Robertson reported that the new DMCJA Bookkeeper, Ms. Christine Huwe, prepared a June 2016 Summary of Reports for the DMCJA. Judge Roberts informed that the hiring of a bookkeeper will make things more consistent each year as the Treasurers change.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Ahlf reported that there is money in the Special Fund account. He informed that he has turned over all DMCJA financial information to the bookkeeper, who will issue checks. Thus, Judge Ahlf will provide members with Ms. Huwe's business address.

D. Standing Committee Reports

1. Rules Committee

Judge Dacca informed that Rules Committee Minutes for April and June are located in the August Board agenda packet.

CrRLJ 55, Entry of Default Judgment

Judge Dacca, DMCJA Rules Committee Chair, provided a status update on the Northwest Justice Project's (NJP's) proposed amendments to Civil Rule for Courts of Limited Jurisdiction (CrRLJ) 55, *Entry of Default Judgment*. In a memorandum dated November 19, 2015, Justice Johnson stated that these amendments would require (1) creditors to submit affidavits containing detailed proof in support of the default judgment applications, (2) affidavits from the original creditors and intervening debt buyers showing the history ownership attached to key documents in actions started by third-party debt buyers, (3) creditors counsel must submit an affirmation that the statute of limitations has not expired, and (4) the plaintiff must provide the court with an additional notice of the lawsuit and the court must mail the notice to the defendant at the address where process was served. Further, there would be no default entered if the notice is returned undeliverable.

Judge Dacca reported that a stakeholder meeting to discuss NJP's proposed amendments was held on July 28, 2016. The purpose of the stakeholder meeting was for interested parties to come to a consensus. Judicial attendees included Judge Dacca, Judge Marinella, Judge Elizabeth Martin, SCJA Civil Court Rules Committee Chair, and Ms. Paulette Revoir, District and Municipal Court Management Association (DMCMA) President. Judge Dacca reported that attendees did not agree to support the amendments, although the meeting notes that were distributed indicated that there was consensus. Judges Dacca and Marinella will send a note to the organizer regarding their views of the meeting. The DMCJA, upon recommendation of the DMCJA Rules Committee, opposed the NJP proposed amendments to CrRLJ 55 because it (1) would fundamentally alter how default and service are considered under Washington law, (2) places the burden on judges to ensure that detailed evidentiary requirements are met, and (3) is best addressed through legislation than court rule.

IRLJ 3.5, Decisions on Written Statements

Judge Dacca informed that a subcommittee of the DMCJA Rules Committee has proposed amendments to Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 3.5, *Decision on Written Statements*. The amendments would give local courts the option of conducting mitigation hearings via teleconference or video conference. In a mitigation hearing, the defendant stipulates that he or she committed the infraction but offers evidence that explains the reason for his or her act that may cause the judge to lessen the penalty. The proposed IRLJ 3.5 amendments have three basic parameters, namely, (1) the hearings shall be on the record, (2) defendants shall be advised the hearing was being audio recorded, and (3) the court shall advise the defendant in writing of its decision and any penalty imposed. Judge Dacca informed that these amendments were proposed in order for the courts to utilize modern technology. He also requested that Board members send to Judge Dacca or J Benway, AOC Staff for the Rules Committee, any recommendations regarding IRLJ 3.5. The DMCJA Rules Committee will meet on August 24, 2016 to discuss the issue. This topic will be an action item at the September DMCJA Board meeting.

2. Legislative Committee

Judge Meyer reported that the Legislative Committee met on August 12, 2016 to discuss proposed legislation from the DMCJA membership. He stated that Ms. Harvey sent out a message to the DMCJA listserv for legislative ideas and received many proposals. The biggest proposed issue relates to the closing of Municipal Courts, which impacts Judicial Independence. Judge Meyer stated that this proposal may come before the Board for approval. He further reported that the Superior Court Judges' Association (SCJA) has proposed amendments to RCW 4.12.050, *Affidavit of Prejudice*. Judge Meyer informed that the Committee will look at

the comparable courts of limited jurisdiction statute, RCW 3.34.110, *Disqualification of Judge*, to determine whether an amendment is needed. Judge Dacca inquired whether an issue regarding the transfer of landlord-tenant detainers was proposed. Judge Meyer informed that no such issue was proposed from the membership. Thus, Judge Dacca will confer with Judge Meyer regarding legislation relating to the issue.

3. Diversity Committee

Judge Coburn and Judge Short reported that a training for attorneys interested in becoming pro tempore judges will be held August 19-20, 2016, at the Washington State Bar Association (WSBA) headquarters in Seattle, WA. The purpose of the event is to diversify the district and municipal court bench. In 2016, the DMCJA Diversity Committee offered scholarships to attorneys who are unable to afford the \$400 registration fee. This event is sponsored by the WSBA and the District and Municipal Court Judges' Association.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported that the TCAB will meet during the 2016 Annual Judicial Conference in Spokane. He mentioned that the TCAB is seeking judicial funding through the Trial Court Improvement Fund, which was created in 2005 by Senate Bill (SB) 5454. Judge Marinella expressed appreciation to Judge Brett Buckley, Olympia District Court, for providing to Judge Marinella historical information regarding the Trial Court Improvement Fund. Judge Marinella informed that the Legislature has the discretion to either add or eliminate money from the Trial Court Improvement Fund. The TCAB will work to obtain more funding under SB 5454.

F. JIS Report

Judge Marinella reported that the Judicial Information Systems Committee (JISC) will meet on Friday, August 26, 2016. The JISC will vote on whether to release the request for proposal (RFP) for the courts of limited jurisdiction case management system (CLJ-CMS) Project. For the next legislative biennium, the JISC will seek thirteen million dollars for the CLJ-CMS Project, which would provide a statewide case management system for district and municipal courts. Judge Marinella encouraged Board members to speak with legislators now regarding the Project. Ms. Cullinane added that vendor proposals are due in December. Following that, evaluators from the court community and AOC will evaluate vendor proposals for several months, including vendor demonstrations and site visits. Project team members will be visiting courts in September and October to better understand current CLJ CMS processes. Ms. Cullinane emphasized that it is important that the word about the Project is expressed to the DMCJA membership. She stated that CLJ court administrators are actively working to spread the word to prepare court staff for change, as well as to encourage courts to clean up their bad data so that it is not replicated in the new system. She further reported on plain paper notices, which are experiencing a steady trickle of courts requesting to get set up for them. She then provided an update on Information Technology Governance (ITG) 41, Destruction of Records, and encouraged Board members to check in with their court staff regarding these record deletions.

G. Joint Branch Leadership Meeting Update

Judge Marinella informed that the DMCJA, SCJA, and Supreme Court met on July 14, 2016 to discuss issues impacting trial courts. Judge Marinella informed that he shared the 2016-2017 DMCJA priorities during the meeting. He also stated that judges must be careful about giving away their discretion when considering rules and legislation. He commended all DMCJA attendees and expressed appreciation for a member who attended the meeting via Skype.

Welcome to New Board and BJA Members

Judge Marinella welcomed new Board members Judge Michael Finkle, Judge Charles Short, and Judge Michael Lambo to the Board meeting. He then welcomed new BJA members, Judge Mary Logan and Judge Kevin Ringus to the Board meeting.

LIAISON REPORTS

- A. Board for Judicial Administration (BJA) – Judge Ringus reported that the next BJA meeting is August 19, 2016. There will be an orientation to the BJA during this meeting since it is the first meeting for new BJA members. The group will also discuss the issue of courthouse security. Judge Ringus also informed that there are two final candidates for the Assistant Legislative Director position. The second round of interviews for the position will begin Monday, August 15, 2016.
- B. Administrative Office of the Courts (AOC) – Mr. Marler informed that Ms. Cullinane has materials for judges to utilize when meeting with legislators to discuss the new courts of limited jurisdiction case management system (CLJ-CMS) project. He then reported that the Special Sex Offender Sentencing Alternative (SSOSA) form, which is used by superior courts, contained errors that may have impacted community supervision and treatment time for some Washington state sex offenders. The judges and lawyers who comprise the Pattern Forms Committee incorrectly interpreted legislation in 2008, which led to the error. The Pattern Forms Committee immediately produced a corrected form when the issue was recently brought to AOC leadership's attention. This issue will be discussed in a work session Sen. Padden plans for September 2016. He then expressed the importance of having committed and diligent attorneys and judges on the Pattern Forms Committee.

Further, Mr. Marler reported on the status of the workgroup regarding Senate Bill (SB) 6360, An act relating to the consolidation of traffic-based financial obligations through a unified payment plan system. He stated that the workgroup has met two times and will continue to work through issues regarding the program. There is a need to address the fact that one size will not fit all courts. Mr. Marler further mentioned legislative decision packages that were presented to the Supreme Court Budget Committee regarding web services, reimbursement of court interpreter costs, and support for pattern forms, therapeutic courts and courthouse facilitators. He then informed that there is a wide gap between court needs and the budget to cover those needs.

- C. Superior Court Judges' Association (SCJA) – Judge O'Donnell reported that the AOC and SCJA will meet with a mediator in late August to discuss issues regarding AOC staff support for the Association. Judge O'Donnell stated that the SCJA will seek an Office of Superior Courts through legislation as it did in 2016 with Senate Bill (SB) 6317. He then informed that the SCJA will propose to make statewide security a priority at the next BJA meeting on August 19, 2016.
- D. Misdemeanant Corrections Association (MCA) – Ms. Patrick reported that the MCA is working on reimagining its association. For instance, the group is considering changing its name to the Misdemeanant Probation Association to clarify its purpose. Further, there will be a logo contest to change the association's logo, which has been the same for thirty years. Ms. Patrick informed that the MCA would like to encourage new members to join. Probation officers may be enrolled at any time.

ACTION

A. Mental Health Study

M/S/P to make this discussion topic an action item. The Board voted to send the survey to the DMCJA membership. The Board also voted to omit any reference to the Amazon gift card reward. Judge Marinella and Ms. Harvey will work on a message to be sent to the DMCJA listserv.

B. 3DaysCount Initiative

M/S/P to make this discussion topic an action item. The Board voted to make a joint application with the Minority and Justice Commission and the SCJA for the Pretrial Justice Institute's (PJI) 3DaysCount initiative. Judge O'Donnell will contact Judge Marinella regarding program meetings. Judge Marinella will send meeting

information to Judge Logan to share with the Trial Court Sentencing and Supervision Committee (TCSSC). Judge Logan in the Chair of the TCSSC. Judge Ahlf will also assist with the program.

C. Reserves Committee Recommendation for \$25 Special Fund Assessment

M/S/P to make this discussion topic an action item. The Board voted to collect Special Fund dues in the amount of twenty-five dollars (\$25) in 2016-2017.

D. DMCJA Policy Regarding Spring Conference Incidental Fees

The Board voted to make this issue an action item. M/S/P to have Judge Burrowes send a letter to members who attended the 2016 DMCJA Spring Conference but did not pay their DMCJA dues. Thus, the letter will seek a reimbursement amount of two hundred fifteen dollars (\$215), which will go to the general fund. The Board requested that Judge Burrowes put a time period for payment in the letter. The Board will revisit the issue at a future meeting.

DISCUSSION

A. DMCJA Rules Committee Proposed Amendments to Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 3.5, Decisions on Written Statements

Judge Dacca reported on this issue during his DMCJA Rules Committee report.

B. Mental Health Study

This topic relates to a request from researchers at the University of Southern Mississippi to disseminate a mental health survey regarding how judges handle mental health issues in courts of limited jurisdiction. The survey offers an Amazon gift card for those judges interested in entering a drawing for the reward.

M/S/P to make this issue an action item.

C. Domestic Violence Offenders/Treatment Committee

Judge Marinella informed that there are vacancies for two DMCJA Representatives on the Domestic Violence Offenders/Treatment Committee. Washington Administrative Code (WAC) 388-60-0575 (3) requires that two members of the DMCJA represent the courts of limited jurisdiction perspective on the Committee. Judge Marinella solicited volunteers from the Board to participate on the Committee. Commissioner Leo, Judge Steiner, and Judge Logan volunteered to represent the DMCJA on the Domestic Violence Offenders/Treatment Committee.

D. 3DaysCount Initiative

Judge O'Donnell informed that the SCJA unanimously voted to apply for the Pretrial Justice Institute's (PJI) 3DaysCount initiative, which is a program that offers states assistance in improving and reforming their pretrial bail practices. He mentioned that both Yakima and Spokane are participating in the program with positive results. The overall idea is to move away from the cash bail release system, which is disproportionate to minorities and poor people, according to Judge O'Donnell. He further informed that one component of the initiative is the employment of evidence-based risk assessment tools. Participants in the initiative will determine whether the risk assessment tool is appropriate in Washington State. During the discussion, it was noted that there may be resistance by bail bondsmen regarding the 3DaysCount initiative. Judge O'Donnell requested that the DMCJA become a co-applicant with the SCJA and Minority and Justice Commission for the PJI 3DaysCount initiative. He stated that he would like the SCJA, DMCJA, and Minority and Justice Commission to complete the application together. He further reported that administrative staff support for the initiative will be provided via grant funds.

M/S/P to move this discussion to an action item.

E. Reserves Committee Recommendation for \$25 Special Fund Assessment

The Reserves Committee met on June 6, 2016 and determined that the Board should collect Special Fund dues in the amount of \$25 in order to maintain adequate funds for lobbying expenses related to judicial salaries and judicial retirement benefits.

M/S/P to make this topic an action item.

F. DMCJA Policy regarding Spring Conference Incidental Fees

In 2016, the DMCJA Board approved payment of 2016 DMCJA Spring Program incidental fees for all DMCJA members who are current on their DMCJA general and special fund dues. Judge Ahlf reported that fifteen members attended the DMCJA Spring Conference, however, they are not current on their dues. For this reason, they owe the Administrative Office of the Courts two hundred fifteen dollars (\$215) for incidental fees. Judge Burrowes reported that he, as Treasurer, paid all costs for DMCJA members and now the Association must recover its money from those judges ineligible to receive funds.

Judge Marinella requested that Judge Burrowes write a letter requesting \$215 from each participant who did not pay both their general fund and special fund dues. Judge Marinella encouraged the Board to conduct the issue as a business. Thus, there is a need to get reimbursed. There was discussion that repeated emails were sent by AOC staff.

M/S/P to make this topic and action item.

G. Brief Board Orientation – Judge G. Scott Marinella and AOC Staff

Judge Marinella addressed the new Board and advised them of their role and responsibility as a Board Member. He directed them to the Board Operational Rules and Modern Rules of Order in their packet. The Chair also charged new members with conducting themselves as a Board member and not in their individual capacity. He encouraged them to bring all issues impacting the association to the Board. Ms. Harvey stated that she is the Primary Staff for the DMCJA and encouraged the Board to contact her with any issues related to the Association and/or the Administrative Office of the Courts.

INFORMATION

Judge Marinella informed the Board that Judge Sara Derr, Spokane District Court, retired on June 30, 2016. He encouraged attendees to sign a retirement card for Judge Derr. Judge Marinella further informed that Judge Janet Garrow sent a thank you card to the DMCJA Board for offering her a DMCJA National Leadership Grant to attend a conference. He also mentioned that State Court Administrator, Ms. Callie Dietz, sent the Board a thank you letter for flowers sent to her husband's funeral service. The Chair then stated that the Annual Judicial Conference will be held from September 11-14, 2016, Red Lion Inn at the Park, in Spokane, WA.

OTHER BUSINESS

The next DMCJA Board Meeting is September 11, 2016, 9:00 a.m. to 12:00 p.m., in Spokane, WA.

ADJOURNED at 2:49 p.m.